

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

Public Notice/Application No.: 2004-00476-SDM
Comment Period: March 3, 2004 through April 1, 2004

Applicant

Flood Control District Maricopa County
Robert B. Stevens
2801 West Durango Street
Phoenix, Arizona 85009
(602) 506-4073

Location

In the White Tanks Flood Retarding Structure (FRS) #3 (tributary to the Gila River) at (Sections 4, 5, 8 and 9, T2N, R2W), Maricopa County, Arizona. (Hydrologic Unit Code 15070102)

Activity

To modify the existing White Tanks FRS #3 by constructing a modified dam including cutoffs for fissure control and a new upstream dam face to upgrade the existing dam to current regulatory standards. For more information, see page 3 of this notice and attached drawings.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit application will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344).

Comments can be e-mailed to sallie.mcguire@usace.army.mil or mailed to:

**U. S. Army Corps of Engineers
ATTENTION: Regulatory Branch (2004-00476-SDM)
3636 North Central Avenue, Suite 900
Phoenix, Arizona 85012-1939**

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant will be required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality and/or the U.S. Environmental Protection Agency. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency. For any proposed activity on land other than Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the Arizona Department of Environmental Quality. Section 401 of the Clean Water Act requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The project includes the construction of a modified dam including cutoffs for fissure control and a new upstream dam face to upgrade the existing dam to current regulatory standards. Material used for construction of the dam will be excavated from borrow areas upstream. The dam extension, which will modify the embankment cracking zone and the earth fissure zone, will impact approximately 8.3 acres of waters of the United States. Habitat within this area consists of low density shrubs and grasses. The upstream dam extension will be composed of two different sections. One section will be a soil cement structure blended into the existing landscape with fill dirt and vegetation. The second section includes an increase in the height of the current dam with onsite fill material over a geotextile and sand filter that will be blended into the landscape with vegetation. Two borrow areas will be used to obtain material in which to mix soil cement that will be used for the dam extension. The borrow areas will impact approximately 3.2 acres of waters of the U.S., where habitat consists of low density shrubs and grasses.

Total impacts from the project are proposed to be 11.5 acres of waters of the U.S.; the total area of waters of the U.S. within the project area is 60 acres. The proposed project area encompasses approximately 150 acres.

Additional Project Information

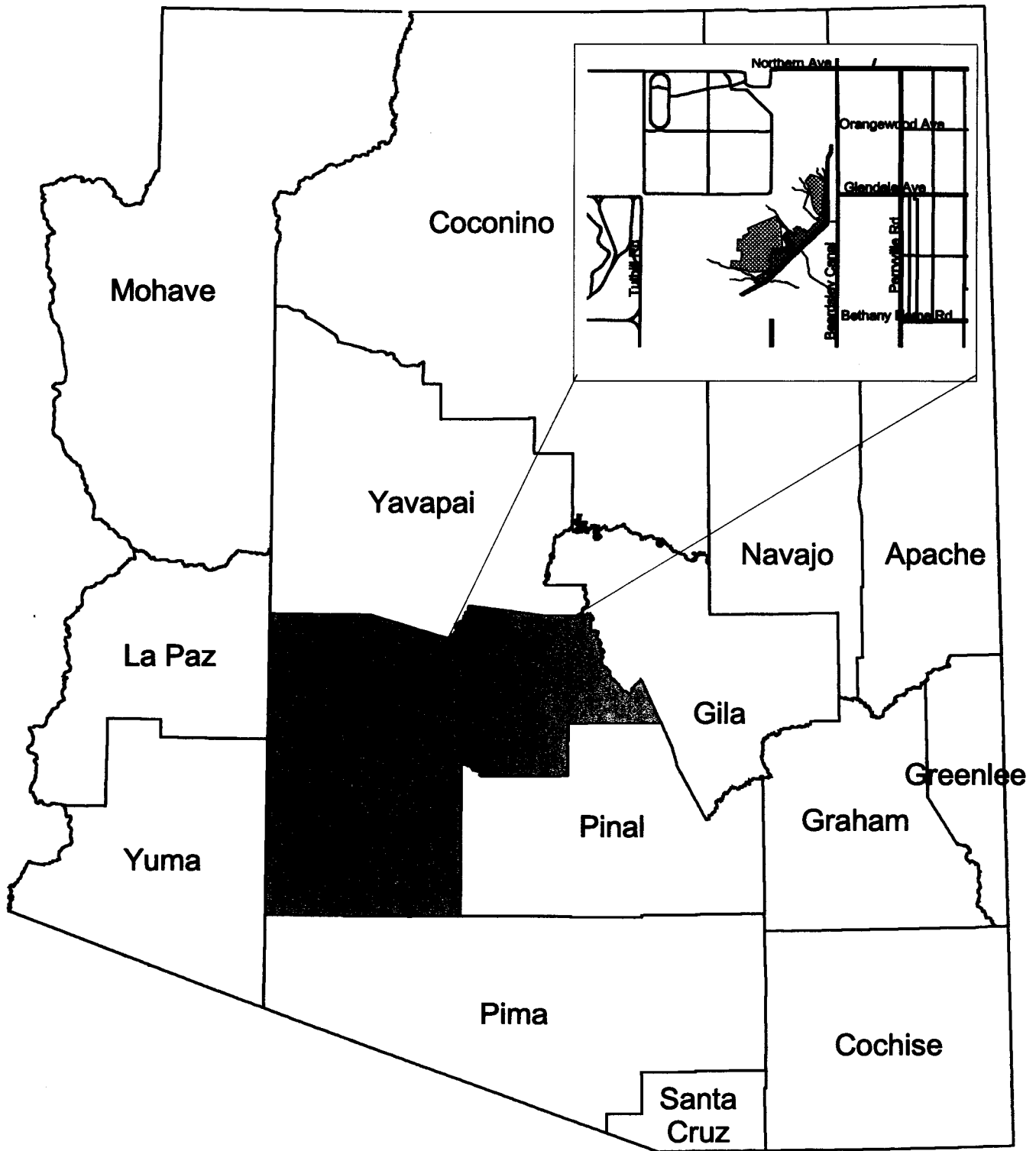
The purpose of the proposed project is to rehabilitate or replace the White Tanks FRS #3 with flood control facilities that provide continued flood protection to areas currently benefited by the existing structure. The basic project purpose is flood control, which is not water dependent. The FRS was constructed in 1954 to provide flood protection for Interstate 10, the City of Goodyear, unincorporated county land and other infrastructure downstream. Due to severe embankment cracking resulting from desiccation and differential settlement, extensive repairs to White Tanks FRS #3 were completed in 1982. Further monitoring of the dam and other studies resulted in the modifications proposed within this public notice.

Proposed Special Conditions

To be developed.

For additional information please call Sallie D. McGuire at (602) 640-5385 x 221. This public notice is issued by the Chief, Regulatory Branch.

Project Location in Arizona



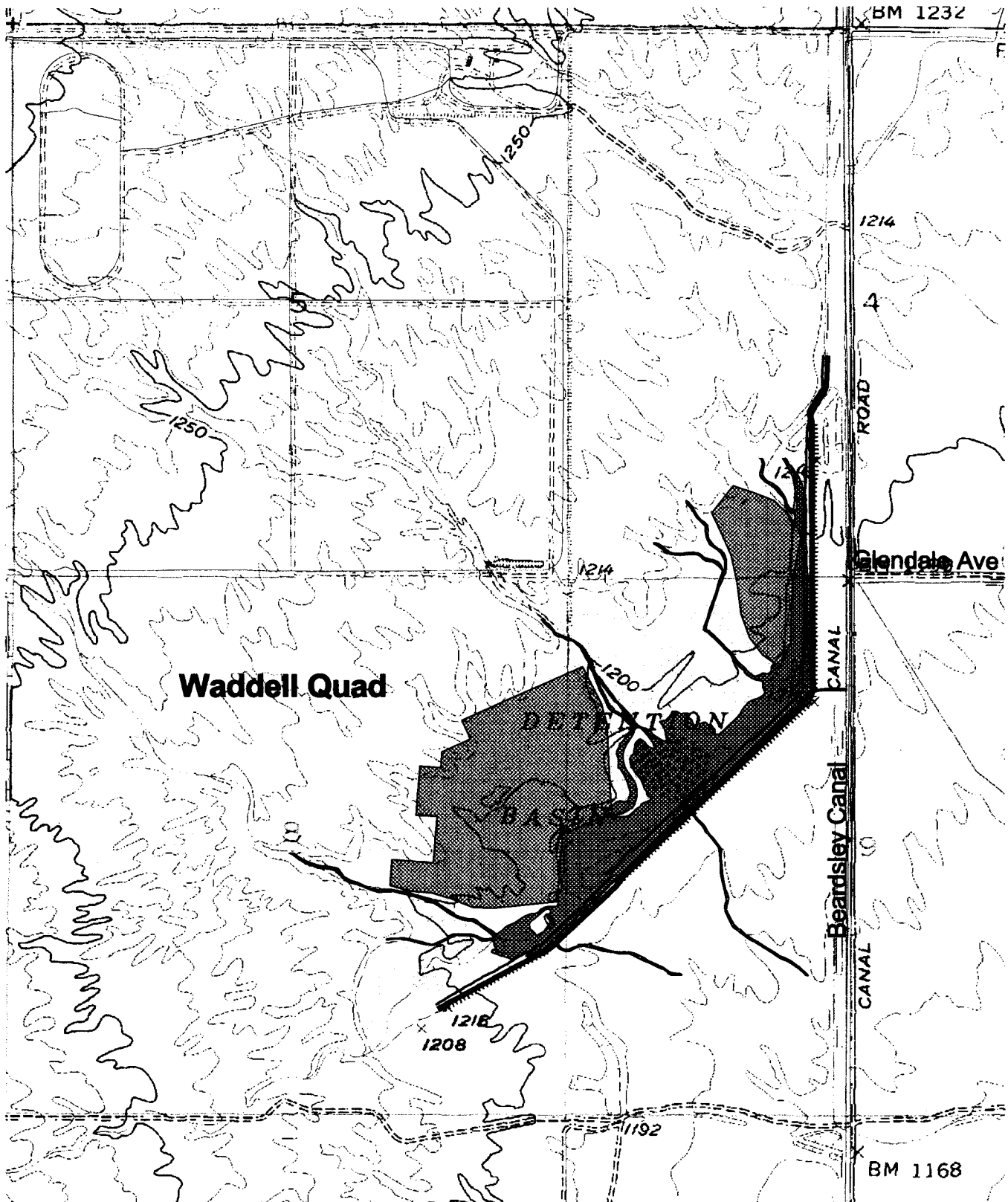
**404 Jurisdictional Impacts for White Tanks FRS #3
Flood Control District of Maricopa County
February 2004**

Public Notice #2004-00476-SDM
Figure 1 of 3

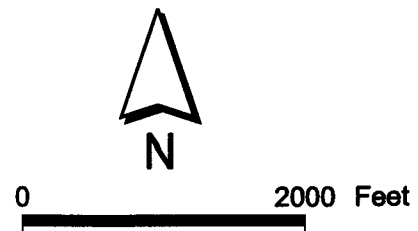


**Not to Scale
For Location Only**

404 Jurisdictional Impacts for White Tanks #3 FRS



-  Proposed Dam
-  Street Centerlines
-  Borrow Pits
-  Section 404 Jurisdictional Delineation



Public Notice #2004-00476-SDM
Figure 2 of 3

